



Politics & Governance

Voter Suppression Laws 'Biggest Setback in Decades'

[New America Media](#), News Report, Suzanne Manneb, Posted: Apr 26, 2012

Rep. Trey Martinez Fischer of San Antonio, Texas says his elderly mother could become one of millions of Americans likely to be barred from participating in this year's voting process because of newly enacted voter suppression legislation.

At 73 and suffering from Parkinson's disease he notes, she has no driver's license, no passport and no concealed handgun license, the only forms of voter identification in the state. Under Texas' [Senate Bill 14](#), which requires presenting proof of valid photo identification at polling places, Martinez Fischer says she would be "shut out."

His comments came during a national telebriefing for ethnic media Tuesday co-hosted by New America Media (NAM) and the Brennan Center for Justice at New York University's School of Law. The briefing examined the current landscape of state sponsored voter suppression laws. The Texas representative joined two of the Center's legal experts on the call who challenged the efficacy and constitutionality of the 24 voting laws and executive actions passing in 17 states, since early 2011, and several others still pending. States in which these laws have passed will comprise 70 percent of the electoral vote in the 2012 election.

NAM plans to conduct similar calls for ethnic media on a monthly basis.

According to Wendy Weiser, Director of the Democracy Program at the Brennan Center, there are 74 bills to restrict voting still pending in 24 states across the country, some of which include requirements ranging from presenting valid photo identification to documents of proof of citizenship and the elimination of early voting opportunities.

Voter suppression legislation, Weiser said, is the "biggest setback in voting rights in decades, and an abrupt reversal of a longstanding trend towards expanding access to the franchise."

While millions of Americans will be affected, she noted, "these laws do not hit all communities equally." Minority communities, the poor, elderly, students, and people with disabilities will be "hardest hit," she said.

In Florida, Weiser noted, civic and community groups, including the League of Women Voters, have completely shut down their voter registration drives as a result of that state's new voter legislation that limits such efforts.

This should be of concern, she stressed, because in the 2004 and 2008 elections, hundreds of thousands of Florida voters registered through registration drives. According to a [New York Times report](#) last month, Florida has seen a decrease of over 81,000 registered voters compared to the same time in 2008.

Again, those affected are disproportionately African American and Latino voters, who according to 2010 Census data, Weiser said, are twice as likely to register through voter registration drives when compared to their white counterparts.

Florida, as well as Ohio, also cut back on Sunday voting. Latinos and African Americans, according to Weiser, have traditionally seen their highest turnouts on Sundays. One third of early votes cast in 2008 were from African Americans on Sunday, despite the fact that blacks make up only 13 percent of the state's voting-age population. Another 24 percent came from Hispanics, who comprise just 16 percent of the state's voters.

A [2006 study conducted by the Brennan Center](#) revealed that 11 percent of eligible voting Americans don't have the IDs required by voter laws, 18 percent of the 18-24 and over 65 age groups don't have them, and 25 percent of African Americans do not. Specifically for Texas, data the state has compiled for the Department of Justice (DOJ) shows that between 605,000 and 795,000 registered voters in that state do not have registered state photo IDs.

"It is simply not reasonable for Texas to accept concealed handgun licenses for voting but to refuse state issued employee or student IDs," Weiser said, adding that Latino citizens are between 46 percent and 120 percent more likely than whites to lack these IDs.

But, she stressed, state legislators who pass these laws don't necessarily have the last word. "The courts, the DOJ, and sometimes even voters, can overturn bad laws."

One example she offered was a 9th circuit court of appeals ruling last week on an Arizona law, part of proposition 200, a ballot initiative passed in 2005 that requires proof of citizenship to vote. The court found the requirement to be in violation of federal law. The ruling, she said, has already stalled a similar bill that was moving in Missouri. Additionally, laws passed in Alabama, Kansas and Tennessee may face legal challenges, while in Wisconsin, two state courts have blocked voter identification laws.

Myrna Perez, Senior Counsel with the Democracy Program at NYU's Brennan Center, said such laws are jeopardizing the equality of voting.

Voting is the cornerstone of democracy and the Voting Rights Act of 1965, reauthorized in 2006, has been responsible for decades of equal

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But Perez notes that six states -- Alabama, Arizona (which recently dropped its suit, but will re-file), Florida, North Carolina, South Carolina, and Texas -- have filed lawsuits contending that Section V of the VRA should be ruled unconstitutional. Section V requires an administrative procedure or a three-judge panel of the United States District Court for the District of Columbia to review any proposed voting changes and to approve them only after ensuring they are not racially discriminatory. Voter identification laws fall into this category.

Reports show that Georgia is also considering a challenge to Section V.

Commonly known as pre-clearance, the provision applies to nine states and selected jurisdictions. Of the states filing suit, Alabama, Arizona, South Carolina and Texas are among the nine that Section V applies to.

However in states like Texas, where there has been a significant population increase over the past decade -- a total of 4.2 million, with 3.7 million from immigrant communities, including 2.7 million Latinos -- 70 out of 240 counties do not have voter identification centers.

According to Rep. Martinez Fischer, there is no office downtown or west of downtown in San Antonio. The city, the second largest in the state and the seventh largest in the country, has only three offices.

If you don't have a license, it's likely that you don't drive," Rep. Martinez Fischer said. "If you have a license, you could vote, but if you don't have a license you'd have to travel an excess of 100 miles to get to the nearest DPS (Department of Public Safety) office to get these documents," he explained. He also said the state hasn't expressed any interest in accommodating voters by deploying mobile voter identification stations to make it easier for working individuals to obtain IDs who couldn't access the offices during weekday business hours.

"You hear over and over again about how important it is to have integrity in the ballot box, so there must be a very big problem in Texas," he said. "But it probably surprises you to know that of the number of votes cast in the 2008 and 2010 elections -- there were 13 million votes -- there has only been one case that deals with this problem of voter impersonation. That was in 2008 in San Antonio."

"Can you show me it's a statewide problem? Clearly it's not."

Martinez Fischer said he wished there were the same stellar numbers and efforts by politicians to tackle more pressing issues such as education and health care.

"I wish I could say there were one child uninsured out of 13 million," he said.

Comments

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